



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 22, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben *Robert Raben*
Assistant Attorney General

SUBJECT: Weekly Report for February 22, 2000 - February 25, 2000

The House is in recess until February 29th.

KEY ISSUES

Nominations: The Senate Judiciary Committee (Hatch, Chair) held a hearing on February 22nd on the following nominations: Randy Moss, to be Assistant Attorney General of the Office of Legal Counsel; Julio Fuentes, to be a United States Circuit Judge for the Third Circuit, and James Whittemore, to be a United States District Judge for the Middle District of Florida.

Also on February 22nd, the nomination of Donnie Marshall to be Administrator of DEA was sent to the Senate. We anticipate that Dan Marcus will be nominated to be Associate Attorney General this week.

~~You have been asked by Assistant Attorney General Eleanor D. Acheson to make calls to~~
Senators on behalf of Judge Richard Paez, a pending nominee for the Ninth Circuit Court of Appeals, who may be voted on by the full Senate as early as this week. The President and other Cabinet Secretaries are also making calls to Senators. ~~(Scott Fisan)~~

Indian Affairs Hearing: The Senate Committee on Indian Affairs (Campbell, Chair) has scheduled an oversight hearing for February 23rd on the President's Budget Request for Fiscal Year 2001 for Indian Programs. Staff from the Office of Legislative Affairs requested a change in the hearing date to a later date to allow you the opportunity to testify. However, Committee staff informed us the hearing date could not be moved because recommendations must be submitted to the Budget Committee by March 1st. Given that information, Mark Van Norman, Director of the Office of Tribal Justice, will testify on behalf of the Department. (Ho)

Pardons: On February 24th, the Senate Judiciary Committee (Hatch, Chair) is scheduled to mark up S. 2042, the Pardon Attorney Reform and Integrity Act. This legislation would require you to prepare for the President a written report with the views of victims, law enforcement and court officials on executive clemency petitions. It would also require you to notify victims at various stages in the clemency process. We have sent a letter to Chairman Hatch and Ranking Minority Member Leahy expressing our view that the legislation as written is unconstitutional.

Staff from the Office of Legislative Affairs are working with the Deputy Attorney General's Office, the Office of the Pardon Attorney and the White House to create regulations on victim notification so as to negate the need for this legislation. (Pearlman)

THE WEEK AHEAD

Abortion: Three abortion-related items are on this week's Senate agenda.

First, the Senate Judiciary Committee (Hatch, Chair) will hold a hearing on February 23rd on S. 1673, the Unborn Victims of Violence Act, which creates a separate federal crime for harming or killing a fetus during the commission of another crime. The House version of this bill (H.R. 2436) passed the full House last year. There is a senior advisors veto threat on the House bill. Eleanor D. Acheson, Assistant Attorney General, Office of Policy Development, is testifying for the Department.

Second, the Child Custody Protection Act, which makes it illegal to take a minor across state lines to obtain an abortion, is likely to come to the Senate floor for a vote this week. The Administration has a senior advisors veto threat on this bill.

Third, the Senate Judiciary Committee is scheduled to vote on four subpoenas to private individuals involved in the transfer of fetal tissue. We anticipate the Committee will hold hearings in the near future on the sale of fetal tissue. Staff from the Office of Legislative Affairs have convened an informal working group within the Department on this issue, and we have been working with NIH and HHS to gather more information. (First)

Asbestos Compensation Legislation: The House Judiciary Committee recessed without marking up H.R. 1283, the bill Chairman Hyde redrafted and made available for review just last Monday. ~~It is now scheduled for markup on March 1st.~~ We will continue to work with Majority and Minority staff on this problematic legislation. (Wilson)

Bankruptcy: Staff level work is beginning on Bankruptcy reform legislation. Conferees have not yet been named. There are procedural and political details to be worked out before the formal conference will take place. We have provided the White House with preliminary comments compiled from Department components for inclusion in a letter to the Conferees. (Wilson)

Cybercrime: On February 23rd, staff from the Office of Legislative Affairs (OLA) and the Computer Crime and Intellectual Property Section (CCIPS) will brief Senator Schumer on the challenges that law enforcement face in cyberspace and to discuss Senator Schumer's proposed legislation. On February 25th, staff of OLA and CCIPS will brief the Senate Judiciary Committee's Criminal Justice Oversight Subcommittee staff on law enforcement concerns in light of recent hacker attacks on e-commerce.

On February 29th, the House Judiciary Committee's Subcommittee on Crime (McCollum, Chair), will hold a hearing on cybercrime defenses and what resources can be used to combat the threat of cybercrime. The Deputy Attorney General will testify before the Subcommittee. (Daley)

Small Business Liability: Before the House recessed for the Presidents' Day District Work Period, it passed the Small Business Liability reform legislation by a vote of 221-193. There was a Statement of Administration Policy delivered to the Hill prior to the vote that contained a senior advisors recommendation that the President veto the legislation. It is unclear, at this time, when the Senate might take up its companion legislation, S. 1185. (Wilson)

BOP Facilities: Staff from the Bureau of Prisons and the Office of Legislative Affairs will meet with staff for Senator Santorum on February 28th regarding the construction of a facility in Phillipsburg, Pennsylvania. (Scott-Finan)

Traffic Stops Statistics Act: The House Judiciary Committee had scheduled the markup of H.R. 1443, the Traffic Stops Statistics Act, for February 15th and 16th. However, no action was begun, and the bill will be brought up on March 1st. (Scott-Finan)

International Postal Regulations Hearing: On March 9th, the Postal Subcommittee of the House Government Reform Committee (McHugh, Chair) plans to hold a hearing on international postal regulations. (Owen)

THE WEEK IN REVIEW

Cybercrime Hearing: On February 16th, you and FBI Director Louis Freeh testified on cybercrime and the challenges posed to law enforcement and possible tools that may be required to combat this growing trend in crime. This hearing was held in light of recent attacks on websites such as Ebay, Amazon.Com and CNN. (Daley)

Civil Asset Forfeiture Reform Legislation: On February 18th, staff from the Office of Legislative Affairs and the Office of the Deputy Attorney General met with staff of Chairmen Hatch and Hyde, Senator Leahy and Representative Conyers to discuss possible mark up of legislation. (Daley)

Auto Theft Treaties: On February 16th, staff from the Office of Legislative Affairs, the Office of Enforcement Operations, and the State Department met with Senate Foreign Affairs Committee staff on treaties with Belize, Costa Rica, Dominican Republic, Guatemala and Panama concerning the return of stolen vehicles located in those countries to U.S. owners. (Tanner)

Nigeria: On February 16th, staff from the Office of Legislative Affairs and ICITAP participated with the Departments of State and Defense in a briefing of House International Affairs Committee staff on improving security and the rule of law in Nigeria. (Tanner)

Internet Webcasting: On February 16th, the Subcommittee on Telecommunications, Trade and Consumer Protection (Tauzin, Chair) of the House Commerce Committee held a hearing on copyright issues related to Internet webcasting. Chairman Tauzin indicated that he is planning to hold a later hearing on Internet privacy. There were no Administration witnesses. (Owen)